

## **IC 25-1-16**

### **Chapter 16. Evaluation of Regulated Occupations**

#### **IC 25-1-16-1**

##### **"Agency"**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-2**

##### **"Board"**

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-3**

##### **"Committee"**

Sec. 3. As used in this chapter, "committee" means the jobs creation committee established by section 6 of this chapter.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.4.*

#### **IC 25-1-16-4**

##### **"License"**

Sec. 4. As used in this chapter, "license" means:

- (1) an unlimited license, permit, certificate, or certificate of registration;
- (2) a temporary, limited, or probationary license, permit, certificate, or certificate of registration;
- (3) an intern permit; or
- (4) a provisional license;

issued by the board regulating the regulated occupation in question.

"Licensed" has a corresponding meaning.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.5.*

#### **IC 25-1-16-4.5**

##### **"Office"**

Sec. 4.5. As used in this chapter, "office" refers to the office of management and budget.

*As added by P.L.112-2014, SEC.6.*

#### **IC 25-1-16-5**

##### **"Regulated occupation"**

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-6**

##### **Jobs creation committee established**

Sec. 6. The jobs creation committee is established.  
*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.7.*

#### **IC 25-1-16-7**

##### **Members; terms; votes**

- Sec. 7. (a) The committee consists of the following individuals:
- (1) The executive director of the agency or the executive director's designee. The executive director or the executive director's designee shall serve as chairperson of the committee.
  - (2) The director of the office or the director's designee.
  - (3) The attorney general or the attorney general's designee, as a nonvoting member.
  - (4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. The member serves at the pleasure of the governor.
  - (5) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.
  - (6) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.
- (b) The term of a member appointed under subsection (a)(5) or (a)(6) is three (3) years.
- (c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.
- (d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.8.*

#### **IC 25-1-16-8**

##### **Review and evaluation of regulated occupations and boards; report**

Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.
- (2) An assessment of the management efficiency of the board.
- (3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.
- (4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.
- (5) An assessment of the fees that the board charges for licenses.
- (6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

- (1) The number of individuals who are licensed in the regulated occupation.
- (2) A summary of the board's functions and actions.
- (3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.
- (4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.
- (5) Any recommendations for legislation, including whether:
  - (A) the regulation of a regulated occupation should be modified;
  - (B) the board should be combined with another board;
  - (C) whether the board or the regulation of the regulated occupation should be terminated;
  - (D) whether a license should be eliminated; or
  - (E) whether multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.9.*

#### **IC 25-1-16-9**

##### **Cooperation with committee; testimony**

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-10**

##### **Review schedule**

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every five (5) years.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.10.*

#### **IC 25-1-16-11**

##### **Staff; expenditures**

Sec. 11. (a) The office shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the office, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the office.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.11.*

#### **IC 25-1-16-12**

##### **Member reimbursement**

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-13 Version a**

##### **Annual report**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 13. The committee shall submit a report to the:

- (1) governor;
- (2) interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and
- (3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

*As added by P.L.84-2010, SEC.19. Amended by P.L.53-2014, SEC.140.*

#### **IC 25-1-16-13 Version b**

##### **Annual report**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 13. The committee shall submit a report to the:

- (1) governor; and
- (2) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

*As added by P.L.84-2010, SEC.19. Amended by P.L.53-2014, SEC.140; P.L.112-2014, SEC.12.*

#### **IC 25-1-16-14**

##### **Public input**

Sec. 14. The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.

*As added by P.L.112-2014, SEC.13.*

#### **IC 25-1-16-15**

##### **Review of new license proposals**

Sec. 15. The committee shall review and evaluate a proposal to license a new occupation upon the request of any of the following:

- (1) A member of the general assembly.
- (2) A legislative staff member on behalf of a member of the general assembly.
- (3) A member of the legislative services agency on behalf of a member of the general assembly.

*As added by P.L.112-2014, SEC.14.*